

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUSTIN R.,

Plaintiff,

- against -

LUZ BLOISE, et al.,

Defendants.

**MEMORANDUM
OPINION AND ORDER**

06 Civ. 6228 (BSJ) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Following a telephonic conference with the Court on July 1, 2009, at which Plaintiff indicated that prior witnesses under Rule 30(b)(6) of the Federal Rules of Civil Procedure had failed to testify concerning the topics below and Defendants indicated that (1) there were no witnesses available to testify about these topics and (2) they had produced all documents in their custody and control on those topics,

IT IS HEREBY ORDERED that Defendants shall be **PRECLUDED** from introducing at trial any documents or witnesses to testify to the following areas, as identified in Plaintiff's Supplemental Notice to Take Deposition Pursuant to FRCP 30(b)(6), dated March 10, 2009:

1) All policies, procedures, and standards of the Administration of Children's Services's ("ACS") Division of Child Protection which were in effect at any time between June 1, 1999, and October 1, 1999, concerning:

b) investigating, screening, and/or evaluating individuals who apply to become foster parents; and

c) training of foster parents, and prospective foster parents; and

d) standards for licensing and/or certifying foster parents; and

- e) selection of particular foster homes for foster children; and
- l) investigating allegations of child abuse or maltreatment of foster children; and
- m) closing foster homes; and
- n) providing medical, psychiatric, and/or psychological treatment to foster children; and
- p) record-keeping and documentation with respect to children in foster care; and

2) All policies, procedures, and standards of the Administration for Children's Services'


Transfer Unit which were in effect at any time between June 1, 1999, and October 1, 1999, concerning:

- a) the responsibilities of ACS employees in delivering children to foster homes; and
- b) investigating, screening, and/or evaluating individuals who apply to become foster parents; and
- c) training of foster parents, and prospective foster parents; and
- d) standards for licensing and/or certifying foster parents; and
- e) selection of particular foster homes for foster children; and
- f) supervising children in foster homes; and
- g) protecting foster children from child abuse and neglect; and
- h) interaction between ACS and the foster care agency; and
- i) reporting suspected abuse or neglect of foster children; and
- j) removing foster children from foster homes because of allegations of abuse or neglect; and
- k) duties of caseworkers or other employees when placing a child in a foster home; and
- l) investigating allegations of child abuse or maltreatment of foster children; and
- m) closing foster homes; and

- n) providing medical, psychiatric, and/or psychological treatment to foster children; and
 - o) reviewing foster care agency case records; and
 - p) record-keeping and documentation with respect to children in foster care; and
 - q) reporting to the family court about children in foster care; and
 - r) transferring case responsibility from the field office and/or the transfer units to the Office of Case Management (formerly Office of Contract Agency Case Management); and
- 3) Documents which embodied ACS policies, in effect in 1999, regarding the transfer of cases from the ACS field offices to the Office of Case Management.

This Order of Preclusion does not apply to any related documents or testimony that have already been produced or exchanged.

SO ORDERED this 2nd day of July 2009
New York, New York


The Honorable Ronald L. Ellis
United States Magistrate Judge